

disclosed in the rental agreement, and keep dated copies of all your written requests.

- Send the rent payment at the post office and get a “certificate of mailing” (cheaper and faster than registered mail) or “delivery verification” to verify delivery. If there are no more problems, you may not need future receipts, but keep copies of each payment letter.

Tenants may additionally file a complaint with Consumer Protection at (800) 422-7128.

Utility Disclosure Information

Before making a rental agreement or accepting any money from the tenant, the landlord must tell the tenant what utilities are *not* included in the rent. The landlord must also tell the tenant if the tenant will be paying for any utilities in common areas of the apartment building, including hallways, yards, parking lots and laundry rooms. If the apartments do not have separate utility meters, the landlord must disclose this as well as what method is used to determine how much each renter will pay. If the landlord informs the tenant that the tenant will be paying for a shared meter, the tenant could negotiate a fairer arrangement (perhaps paying a portion equal to the number of people in each unit). Have the landlord sign the agreement and keep a copy.

If the utility information was not disclosed

Call the local utility company for assistance. A service person from the utility can visit the unit to determine for what services you should pay.

If you find out you are paying for someone else’s utilities, ask the utility for a copy of previous bills and estimate the amount the landlord should refund to you. The utility company can help with estimates.

Tenants who find out they have a shared meter which was not disclosed should write a letter to the landlord requesting a refund within a certain amount of time (such as two weeks). If the landlord does not respond, file a complaint with Consumer Protection. If you and your landlord still are unable to come to an agreement, mediation may be helpful. For details, call the Housing Mediation Service at (608) 257-2799. If the landlord does not comply, the tenant may sue in Small Claims Court for mandatory double damages plus fees (Wis. Stat. 100.20(5)).

Disclosure of Building Code Violations

The landlord must tell the tenant about building code violations before renting to the tenant. The landlord is also required to disclose the following conditions to the tenant:

- Lack of hot or cold running water
- Lack of plumbing or sewage disposal facilities in good working order
- Heating facilities that are not in safe working order or are not capable of maintaining a temperature in the dwelling unit of at least 67°F
- Wiring, outlets, fixtures or other parts of the electrical system that are not in safe operating condition
- Lack of electricity to the unit
- Any structural or other conditions in the dwelling unit that are a substantial health and safety hazard.

The City of Madison has additional requirements for landlord disclosure including the tenant’s right to abate rent (to reduce the amount of rent paid until certain inspector-ordered repairs are completed), and occupancy standards (standards which state how many people can live in an apartment). The Madison General Ordinances impose a fine of \$25–\$500 for violations of the disclosure requirements. The police can enforce this fine. If a tenant in Madison has repair problems that the landlord refuses to fix, call the City of Madison Building Inspector at 266-4551.

Promises to Repair

All promises to repair that the landlord makes before entering into a lease must be in writing, with a completion date. Consumer Protection can help tenants if repairs are not completed on time. See the Tenant Resource Center’s “Repairs” brochure or contact Consumer Protection for more information.

Lead Paint Requirements

According to Housing and Urban Development (HUD), a landlord must disclose that a dwelling built or remodeled before 1978 may contain lead paint. Call HUD at (414) 297-1493 or the Tenant Resource Center if you suspect a lead paint problem.

Earnest Money

After disclosing the information as explained in the previous section, landlords are allowed to accept application fees or “earnest money.” Earnest money is refundable except for the actual cost of credit-check. (Credit bureaus charge about \$8 for a report.) Tenants can avoid this fee if they provide their own copy of a credit report less than 30 days old. City of Madison tenants cannot be required to pay the cost of a credit check.

Any fees or deposits, other than the credit-check cost, accepted by a landlord before a lease is signed is considered earnest money and is refundable. Earnest money must be returned to the tenant the next day if the tenant is rejected, or if the tenant withdraws before being accepted. Tenants who back out should do so right away in writing (keep a copy) before they are accepted. Consumer Protection also requires return of the money if the tenant has not been accepted by the end of the third business day after paying the earnest money. However, tenants can give the landlord more time to review the application while holding the money, as long as it is not more than 21 days.

If the tenant backs out after being accepted, the landlord may be able to keep the earnest money if they need it for the cost of ads for a new tenant or unpaid rent.

If the tenant is accepted and signs a lease or moves in, the entire earnest money (except the credit-check fee) must be applied in full to the tenant’s rent or security deposit, or returned to the tenant. Wis. Stat. 100.20(5) allows tenants to sue for double their loss if landlords violate these rules. For more information, call the Tenant Resource Center at (608) 257-0006 or Consumer Protection at (800) 422-7128.

Preparing to Rent



Tenant Resource Center

1202 Williamson St., Suite A
Madison, WI 53703
9:00 a.m.–6:00 p.m., Monday–Friday
Rental Rights (608) 257-0006
Toll-free outside Dane County
(877) 238-RENT (7368)
Office/TTY (608) 257-0143
Mediation (608) 257-2799
asktrc@tenantresourcecenter.org
www.tenantresourcecenter.org

Housing Help Desk
1819 Aberg Ave. Room 2
(Dane County Job Center)
(608) 242-7406, 8:00 a.m.–4:30 p.m.

If you need an interpreter, materials in alternate formats, or other accommodations to access our services, call our office at (608) 257-0143.

Si Ud. necesita servicios en español, llame al (608) 257-0143.

No part of this brochure should be regarded as legal advice or considered a replacement of a landlord’s or tenant’s responsibility to be familiar with the law. If you need legal assistance, seek the services of a Wisconsin housing attorney.

The **Tenant Resource Center** is a non-profit, membership organization dedicated to promoting positive relations between rental housing consumers and providers throughout Wisconsin. By providing information and referrals, education about rental rights and responsibilities, and access to conflict resolution, we empower the community to obtain and maintain quality affordable housing.

Preparing to Rent

Tenants have a legal right to know the implications of the lease they are going to sign. Informed tenants can take advantage of several resources to screen for the most qualified landlord and should know that landlords are required by law to provide applicants with certain information about themselves and their building before accepting any payments or signing a lease.

Choosing the Right Landlord

It is customary for landlords to check the background of prospective tenants. It is equally important for tenants to check out the landlord. It can be quick and can save tenants the expense and inconvenience of settling disputes that could have been avoided.

Current Tenants

If you only check one resource, it should be the current tenants. You may want to visit without the landlord, explain that you are considering renting and that you would like a little information about the landlord and the building. Many tenants are willing to talk for a few minutes. Ask questions such as:

- Does the landlord respond quickly when repair problems are reported? Were promised improvements (such as new carpet) completed on time?
- What happens if you pay the rent late?
- Is the landlord pleasant and professional?
- Does the landlord keep common areas (yards, laundry rooms, hallways) in good condition? Are there major repair problems in the building? Does the heat and appliances work properly? Are there pests (such as cockroaches or mice)?
- Are there noise or safety problems in the building or the neighborhood?
- Is proper notice given before the landlord enters the unit?
- Why is the current tenant leaving?

If possible, talk to at least two current tenants. Poor reports are strong reasons to keep looking.

Small Claims Court Records

It is easy to check small claims court records. Go to the small claims court in your county. Each office will

have paper or computer files. The files list cases alphabetically by the last name of the persons who are suing or being sued. The files will list case numbers. You can ask the clerk to pull files for all cases your potential landlord has been involved in during the last year or last two years. The case files will often be brief, but the Summons and Complaint will tell who is suing whom, for what, and who won the case. This information is also available on the web at <http://wcca.wicourts.gov>.

When you check the court records, try to also take into consideration the number of apartments the landlord/management company controls. If you find that the landlord has a disproportionately high number of tenant/landlord cases, or if you are surprised by the reasons tenants are suing them, then it may be wise to look for another apartment.

Consumer Protection

Call the Department of Agriculture, Trade and Consumer Protection at (800) 422-7128 to ask if any complaints have been filed against the landlord. You can find out the number of complaints which have been filed against the landlord, the dates they were filed, and the way in which the complaints were resolved. Again, remember to consider how many apartments the landlord owns or manages. You can also go to the agency and see the actual complaints.

Building Inspection Records

Many towns and cities in Wisconsin have building inspectors. Most inspectors keep written records every time they inspect an apartment. These records are public. You can ask to see the records for addresses you are considering. Focus on recent records, such as reports within the past five years. The records should show that the inspector has visited the apartment and what repairs the landlord was ordered to make. Check to see how soon the repairs were finished. Also check to make sure it is still the same landlord who owns the building. Retaliation against tenants who contact inspectors is prohibited by statute and by Consumer Protection. Buildings that inspectors have visited several times recently are probably not being maintained well. You can also avoid landlords who do not even make repairs after being ordered by the building inspector.

Zoning Records

When you check inspection records it is a good idea to check zoning. In most towns and cities, building and zoning inspectors share the same office. Give the zoning staff the address of the apartment and ask how the building is zoned. You may find that no more than two or three unrelated persons can live in the building, which may come as a shock if you were planning to move in with some friends. You might also find out that your prospective “three-bedroom” apartment only has two legal bedrooms. In the City of Madison, if a co-tenant is forced to vacate by an inspector because of zoning or occupancy limits that were not disclosed, some tenants may be able to break the lease (MGO 32.08(2)(d)). Call your local building inspector or the Tenant Resource Center for more information.

Police Records

Call your local police department and ask whether you can get a printout of all police calls to your prospective apartment building. You may have to go to the police department in person and/or pay a small fee. There also may be a police officer assigned to the neighborhood you want to move into. Talk to that officer about the neighborhood. It might be a good idea to stay away from any building that has a long record of police calls. If the landlord or manager has a criminal record, you may want to consider that this person will have a key to your home.

Tenant Resource Center

The Tenant Resource Center has a landlord evaluation file where tenants can record their opinions of their landlords. These evaluations may be good or bad, and are unverified opinions. The service is free; just walk in to look at them. Tenants are welcome to file an evaluation of their landlord while looking at the files.

What the Landlord Must Disclose

Landlords must provide full disclosure of certain information to applicants prior to accepting any money. This is required so tenants can decide if they are interested. Landlords are also required to include written information on leases so tenants know the conditions and who to contact if there are problems.

Tenants’ Copies of Agreements

Tenants must be allowed to inspect copies of all written agreements and rules **before** they pay **any** money to the landlord or make any rental agreement. After a tenant signs a lease, the tenant **must** receive a copy of the signed lease. If you request one from the landlord and they do not respond, you may make a complaint to Consumer Protection at (800) 422-7128.

Disclosure of Owner/Manager Information

Landlords must give the following information to tenants in writing before or at the time a rental agreement is made:

- Name and address of the person who collects the rent
- Name of the person who manages the building
- Name and address of the repair contact person. The tenant must be able to contact that person easily.
- The owner or other person authorized to accept legal papers and other notices (must be in Wisconsin and must be a street address, not a post office box).

Landlords who live in and manage buildings with four or fewer units do not have to provide owner/manager information in writing (it is assumed they will manage the building and accept legal papers). Tenants must be notified of any change in the name or the address of the owner/manager, the maintenance contact person, and the person who accepts legal papers.

In the cities of Madison and Fitchburg, ordinances require that all owner/manager information must be kept up to date, and updated within 10 days of a change. The ordinances also provide for penalties of \$25–\$500 (in this situation) if this information is not disclosed.

If the landlord fails to provide this information

- Contact the city assessor/treasurer or county register of deeds and find out who owns the property and where that person lives.
- Look up that person’s office and home number in the phone book or directory assistance in case you need to reach the landlord in an emergency.
- Send any rent or repair requests to the address of the owner, along with a request for any information not